

**IN THE MATTER OF THE** )  
 ) **Case No. 75S00-0703-MS- 92**  
**APPROVAL OF LOCAL RULES** )  
 )  
**FOR STARKE COUNTY** )

## ORDER APPROVING LOCAL RULES

The judge of the Starke Circuit Court, the Hon. Kim Hall, requests the approval of amended local rules: for appointment of special judges in accordance with Ind. Trial Rule 79, for case reassignment and special judges in criminal cases in accordance with Ind. Criminal Rule 13, and for court reporters in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Starke Circuit Court, this Court finds that the proposed rule amendments, LR75-TR79-7, LR75-CR13-3 and LR75-AR15-1, comply with the requirements of Ind. Trial Rule 79, Ind. Criminal Rule 13, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Starke County Local Rules LR75-TR79-7, LR75-CR13-3 and LR75-AR15-1, set forth as an attachment to this Order, are approved effective immediately, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Kim Hall, Starke Circuit Court, P.O. Box 395, Knox, IN 46534-1196 and to the Clerk of the Starke Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Starke Circuit Court is directed to enter this Order and attachments in the Record of Judgments and Orders for the Court, to post this Order and attachments for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 7<sup>th</sup> day of March, 2007.

FOR THE COURT

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

## SPECIAL JUDGES

**1.1 Local Rule.** Whenever the Judge of the Starke Circuit Court has a conflict of interest which requires him to recuse himself, the parties may agree to a special judge pursuant to T.R. 79(D). If no agreement is filed within seven, (7), days of the order of recusal, then the case or matter shall be assigned to the Magistrate of the Starke Circuit Court for all further proceedings. The Magistrate shall accept jurisdiction under the provisions of the Amended Local Court Rule for Assignment of Certain Conflict Cases (see 1.3) unless disqualified under the Code of Judicial Ethics or excused from service by the Indiana Supreme Court. The reassignment of the case shall be entered on the chronological case summary of the case and will not require an Oath or special Order accepting jurisdiction. The Magistrate shall retain jurisdiction of the case for all future proceedings unless a specific statute or Rule provides to the contrary or the Magistrate is unavailable to by reason of death, sickness, absence or unwillingness to serve. In such event, the parties may agree to a special judge pursuant to T.R. 79(D). If no agreement is filed within seven, (7), days of the order of recusal, then the case or matter shall be assigned to Senior Judge Raymond D. Kickbush, Senior Judge J. Eric Smithburn, Senior Judge Don E. Harner, or Senior Judge Walter Chapala, based upon the respective judge's availability to conduct a hearing or trial scheduled in a manner to promote judicial economy and efficiency.

**1.2 Pursuant to Trial Rule 76.** A motion for a change of Judge shall be granted if filed within the time permitted under the Indiana Rules of Trial Procedure. In accordance with Trial Rule 79, the following procedure for appointment of a Special Judge is adopted:

- (A) The parties may agree, in writing, within seven, (7), days of an order granting a change of venue from judge or recusal, to a particular special judge. If there is no agreement, or that judge fails to accept the appointment, then;
- (B) The parties may agree, in writing, to the appointment of a special judge by the regular judge of the Court where the case is pending. If no agreement, or that judge fails to accept the appointment, then;
  - (1) The regular judge of the Court where the case is pending shall name a panel consisting of the Starke Circuit Court Magistrate, Senior Judge Raymond D. Kickbush, Senior Judge J. Eric Smithburn, Senior Judge Don E. Harner, or Senior Judge Walter Chapala. If no selection is made under this subsection, or that judge fails to accept the appointment, then;

- (2) The regular judge of the court where the case is pending shall appoint a special judge, on a rotating basis, from a list of the judges and magistrates in the Circuit and Superior Courts of Pulaski County, Marshall County, LaPorte County, Fulton County or Porter County.
- (C) If a special judge cannot be selected using the procedure set out in subparagraphs A through B, above, then the regular judge of the court where the case is pending shall certify the same to the Indiana Supreme Court for appointment of a special judge.

**LR75-CR13-3**

**CASE REASSIGNMENT AND SPECIAL JUDGES**

In the event a change of judge is granted or it becomes necessary to assign another judge in any felony or misdemeanor proceeding in the Starke Circuit Court, the case shall be assigned to the Magistrate of the Starke Circuit Court or pursuant to the Local Rule pertaining to Senior Judge Appointments. (See LR75-TR79-7, section 1.1).

In the event that a change of judge is granted from both the Judge and the Magistrate or it becomes necessary to assign another Judge other than the Judge or Magistrate, then the case or matter shall be assigned to a senior judge, judge or magistrate, on a rotating basis, from the following list:

Senior Judge Raymond D. Kickbush,  
Senior Judge J. Eric Smithburn,  
Senior Judge Don Harner,  
Senior Judge Walter Chapala,  
Pulaski County,  
Marshall County,  
LaPorte County,  
Fulton County, or  
Porter County.

In the event that no judge is available for assignment or reassignment of a felony or misdemeanor case, such matter shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstance presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

## SECTION IV: ADMINISTRATIVE RULES

### LR75-AR15-1

#### COURT REPORTERS

This Rule was adopted on May 29, 1998 pursuant to the inherent powers of this Court and in order to comply with the provisions of Administrative Rule 15 enacted by the Indiana Supreme Court on November 25, 1997. This Rule governs court reporter services. The Starke Circuit Court is the only Court of record in Starke County, Indiana.

##### 1.1 Definitions:

1. **Court Reporter.** A court reporter is a person who is specifically designated by the Starke Circuit Court to perform the official court reporting services for the Court including preparing a transcript of the record.
2. **Equipment.** All physical items owned by the Court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording and storing, and transcribing electronic data.
3. **Work Space.** That portion of the Court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. **Page.** The page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. **Recording.** The electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. **Regular Hours Worked.** Those hours which the Court is regularly scheduled to work during any given work week.
7. **Gap Hours Worked.** Those hours worked that are in excess of the regular hours worked but not in excess of forty, (40), hours per work week.
8. **Overtime Hours Worked.** Those hours worked in excess of forty, (40), hours per work week.

9. **Work Week.** A seven, (7), consecutive day week that consistently begins and ends on the same days throughout the year; ie. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. **Court.** The Starke Circuit Court.
11. **County Indigent Transcript.** A transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by the Court.
12. **State Indigent Transcript.** A transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by the Court.
13. **Private Transcript.** A transcript, including but not limited to a deposition transcript, that is paid for by a private party.

**1.2 Salaries.** Court reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

### **1.3 Per Page Fees.**

1. **County Indigent Transcripts.** The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.25 per page.
2. **State Indigent Transcript.** The maximum fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.25 per page.
3. **Private Transcript.** The maximum fee a court reporter may charge for the preparation of a private transcript shall be \$3.25 per page.

**1.4 Reporting Fees Collected.** Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

**1.5 Private Practice.** If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space, and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

1. The reasonable market rate for the use of equipment, work space, and supplies.
2. The method by which records are to be kept for the use of equipment, work space, and supplies; and
3. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

**1.6 Private Practice Work Time.** If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be concluded outside of regular working hours, or if prepared during regular work hours shall be governed by the written agreement made with the supervising court.